



U.S. Department of Justice

United States Attorney
Southern District of New York

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April 27, 2021

By ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Family Equality, et al. v. Azar, et al.*, No. 20 Civ. 2403 (MKV)

Dear Judge Vyskocil:

This Office represents Defendants U.S. Department of Health and Human Services (“HHS”) and Xavier Becerra,¹ sued in his official capacity as the Secretary of HHS, in the above-referenced matter.

As the Court is aware, in the parties’ joint letter, dated February 16, 2021, Defendants sought a continuation of the stay of this litigation in light of Executive Orders 13985 and 13988. Among other things, these Executive Orders direct the head of each federal agency to review all agency actions that are inconsistent with the policy of the preventing and combating discrimination on the basis of gender identity or sexual orientation within the first 100 days of the new administration. Defendants accordingly requested that the Court continue the stay for the duration of the 100-day period. The Court granted the request for a continuation of the stay and directed the parties to file a joint status letter by no later than June 1, 2021. *See* Dkt. No. 53.

Unfortunately, in seeking the stay, we miscalculated the 100-day period, mistakenly advising the Court that it would end on May 27, 2021. Instead, the 100-day period ends on April 30, 2021. Defendants accordingly suggest that the parties be directed to file a joint status letter by no later than Monday, May 3, 2021.

I sincerely apologize for the error and any inconvenience.

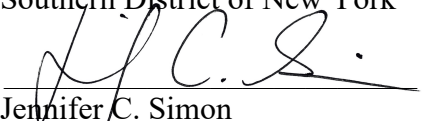
¹ Secretary of the Department of Health and Human Services Xavier Becerra has been automatically substituted as a defendant, in his official capacity, pursuant to F.R.C.P. 25(d).

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Respectfully,

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